

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

PHILIP TUCKER and TONI HOTTEN,
husband and wife,

Plaintiffs,

v.

CASCADE GENERAL, INC., an Oregon
corporation, and UNITED STATES OF
AMERICA,

Defendants.

CV 09-1491-AC

ORDER ON
OBJECTIONS TO
WITNESS TESTIMONY

ACOSTA, Magistrate Judge

This order addresses the parties' proposed witness testimony, which appears in the court file as Docket No. 106 (Plaintiffs' witness list), Docket No. 98 (Cascade General's witness list), and Docket No. 94 (United States' witness list). The court has issued a separate order containing its ruling on the parties' respective motions in limine. To the extent that the parties made objections to the proposed witness testimony that fall within the scope of the motions in limine, the parties are directed to consult the court's rulings on those motions. In the event of a conflict

between the court's ruling on the motions in limine and the court's ruling on the motions in limine control.

PLAINTIFFS' WITNESSES

I. Cascade General's Objections

A. Object to playing of "mediation video."

RULING: SUSTAINED. The mediation video is hearsay.

B. Object to testimony by any of Plaintiffs' experts to any facts or opinions not referenced in that expert's produced report.

RULING: SUSTAINED.

C. Object to testimony from Plaintiffs' witnesses to the emotional effects of Plaintiff Tucker's injuries on that witness.

RULING: SUSTAINED.

D. Object to redundant testimony from at least five members of Plaintiff Tucker's family and friends that Plaintiff Tucker "loved physical activity" and was never depressed or unhappy.

RULING: SUSTAINED IN PART. Plaintiffs and Defendants will not be permitted to introduce redundant testimony on any given issue.

E. Object to testimony by Eugene Silberberg regarding "lost earnings" from the supervisor or foreman position at West Coast Marine Cleaning.

RULING: OVERRULED. See ruling on United States' Motion in Limine #5.

II. United States' Objections

The United States has not submitted objections to Cascade General's witnesses beyond its Motions in Limine.

CASCADE GENERAL'S WITNESSES

I. Plaintiffs' Objections

Plaintiffs have expressly stated they have no objections to Cascade General's witnesses.

II. United States' Objections

The United States has not submitted objections to Cascade General's witnesses beyond its Motions in Limine.

UNITED STATES' WITNESSES

I. Plaintiffs' Objections

A. Robert Baker

RULING: SUSTAINED. *See* rulings on Plaintiffs' Motions in Limine #1 and #2.

B. Sheryl Carruba

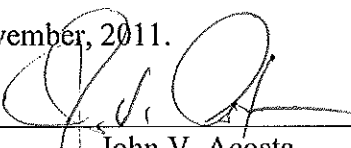
RULING: OVERRULED. *See* ruling on Plaintiffs' Motion in Limine #7.

II. Cascade General's Objections

Cascade General has not submitted objections to the United States' witnesses beyond its Motions in Limine.

IT IS SO ORDERED.

DATED this 9th day of November, 2011.



John V. Acosta
U.S. Magistrate Judge